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SUBJECT: AZERBAIJAN'S MEDIA ON THE ROPES

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Classified By: Ambassador Anne E. Derse per 1.4 (b, d).

11. (C) Summary: This year's attacks on and imprisonment of several more journalists, a growing backlog of defamation cases, and continuing financial difficulties at most of the pro-opposition and independent newspapers have deservedly given the GOAJ a black eye on media freedom. Several opposition and independent observers have argued that these problems are the result of a deliberate and orchestrated campaign by the GOAJ, or at least by several senior officials, to squeeze out any significant independent voices well in advance of the November 2008 presidential elections. Many local commentators increasingly have drawn a parallel between President Aliyev and Russian President Putin, s efforts to choke out or harass a genuinely independent, critical media. At a minimum, senior GOAJ officials, including the President and much of his inner circle, continue to demonstrate a fundamental lack of understanding about the important role of an independent media within democratic societies. Others have suggested that most of the newspapers, many of which survive by taking money from specific political patrons, have been caught in the crossfire of a power struggle among several oligarchs. All of this is occurring against the backdrop of a post-Soviet media environment in which few journalists have professional training and professional standards are very weak, with few newspapers bothering to check sources or worrying about running blatantly false, politically-tinged stories. Improving the media environment in Azerbaijan will require a sustained effort by the international community to convince the government to ensure the conditions to allow a free press to develop, and to assist the press to develop professional standards and ethics. We also should consider financing alternative, non-government controlled media sources. Summary.

The Media Environment: The Good, the Bad, and the Ugly

12. (SBU) Given the steady flow of criticism regarding the GOAJ's record on media freedom from the USG, OSCE, Council of Europe, European Union, and major international human rights organizations, an outsider might be inclined to take the dark view that Azerbaijan is a totalitarian state in which all public criticism of the government is suppressed and punished. The actual situation, despite the continuing problems, is much more nuanced. On any given day, dozens of pro-opposition and independent newspapers and news agencies print or circulate editions containing unedited news coverage

of major events, criticism of GOAJ officials and policies, and not infrequently, vitriolic and even personal attacks against President Aliyev, his cabinet, and other leading figures.

¶3. (SBU) THE GOOD: Although the circulation of individual newspapers rarely tops more than a few thousand each day, they are widely and readily available in Baku and the other major cities. The broadcast media offers fewer independent voices, but ANS TV and radio continues to air relatively objective news coverage (although they scrupulously refrain from direct criticism of the government and they tend to ignore the small opposition parties). Until recently, many local contacts reported that ANS TV had become noticeably more restrained in its criticism of Azerbaijani elites and less aggressive since the GOAJ temporarily shut down the station late last year (before later awarding it a 6-year operating license); others have begun to note in recent weeks that ANS seems to be slowly reverting to its formal self. The majority of Azerbaijanis get their news from television or gossip with friends and neighbors.

¶4. (SBU) Radio Liberty and BBC offer local news and programs that fully meet international professional standards. There are also dozens of websites (traditional media sites, news portals, and some blogs) that offer a broad diversity of views and provide virtual forums for Azerbaijanis to freely express their views on the issues of the day (although some of these forums will censor personal attacks against public figures).

¶5. (C) THE BAD: At the same time, however, the most vocal and critical journalists and news organizations face serious

BAKU 00000926 002 OF 005

difficulties and pressures. All pro-opposition and independent print media organizations are experiencing severe financial difficulties stemming from the immaturity of the advertising market and the reluctance of companies to buy ads in such papers for fear of political reprisals. The pro-opposition and independent media are convinced that there is a "blacklist" of newspapers in which companies are discouraged from advertising (note: we have never seen such a list). The founder of independent GUN newspaper has told us that he lost 6 major advertisers in one day when his paper was "blacklisted" by the Presidential Apparatus.

¶6. (SBU) Even those independent media outlets that still manage to attract advertisement and subscribers are under severe financial pressure from competing media organizations that have been established in recent years, reportedly with the direct support of senior GOAJ officials. Nominally-independent, but government-affiliated ATV and Lider TV, which were established a few years ago with heavy investments in staff and equipment, have successfully taken a large portion of independent ANS TV's profits and market share with entertainment programs and films. Nominally-independent, but government-affiliated APA and TREND news agencies have stolen the march on independent TURAN news agency. KASPIY newspaper, REGION PLUS magazine, and the FIRSTNEWS web portal all seem to have been established with government support to compete with independent alternatives. All of these new organizations offer salaries that are double or triple those at their independent rivals and have successfully hired away many of their journalists and editorial staff.

¶7. (SBU) THE UGLY: Meanwhile, there have been over a dozen major incidents in recent years when journalists have been attacked by unknown assailants. In most of these cases, including the murder of Elmar Huseynov in February 2005 and the most recent attack on REALNY AZERBAIJAN journalist Uzeyir Jafarov in April 2007, there has been no conviction, prosecution, or even arrest. A prominent satirical poet and harsh critic of the government, Mirza Sakit, was arrested and imprisoned for drug possession in July 2006, although few

believe that he was guilty of the crime. Other vocal journalists have been the subject of defamation suits brought against them by government ministers or prominent officials, as well as private citizens. In addition to steep fines, a number of journalists have been imprisoned as a result of such cases, including REALNY AZERBAIJAN editor Eynulla Fatullayev and other journalists who are currently serving prison sentences (see Refs A-E). (Note: Not all of these journalists were convicted on defamation charges. In addition to Mirza Sakit,s drug charges, the two SANAT journalists were imprisoned for &inciting hatred8 by publishing an article that was critical of Islam and the Prophet Mohammed.)

¶8. (SBU) Also on the ugly side of the ledger is the continuing lack of professional and ethical standards by many of the media outlets, both government and opposition/independent. Just as elsewhere in the former Soviet Union, individual journalists and editors accept and often actively solicit bribes for placement of positive articles in papers. Virtually every media outlet is also beholden to a particular politician or political party. These patrons not only provide regular funding, but also dictate editorial content. Finally, for many local journalists the process of checking facts and well-sourcing information comes second to publishing salacious scandals. While we note an improvement in professional standards over the past few years, there is a great deal of room for growth.

¶9. (C) Finally, it is clear that at the senior-most levels of government, many officials, including the President and his Chief of Staff, do not appreciate the constructive role the free media plays in democracies. The President has frequently displayed uncharacteristic emotion when describing his enemies both in the local and international media. He has candidly and bitterly complained that from the time of his election, the press) especially the international press) has painted a caricature of him and that none of his efforts to alter it have succeeded (REF F). His Chief of Staff Ramiz Mehdiyev told the Ambassador an illustrative story on July 8, "Yesterday a popular Azerbaijani writer came to my office. He told me that he had lived under a dictatorial regime. Stalin had stroked his head. He had sat on the knees of the then-party first secretary of Azerbaijan -- a real dictator. He told me, 'Such chaos that exists now

BAKU 00000926 003 OF 005

in Azerbaijan makes me want dictatorship to come back.' He meant the media situation, and he said he supported a dictatorial regime from the top down, not one in which lower people (read journalists) used dictatorial rules and procedures to violate rights and insult people."

USG Efforts to Secure Media Freedom

¶10. (SBU) Given the fundamental role that independent journalists play in supporting democratic development, we have made promoting media freedom one of the Embassy,s highest priorities. This requires strong efforts on two fronts: convincing and pressing the government to open the political space and provide the material and political conditions necessary for a free press to develop and operate, and second, working with the media to raise ethical and professional standards and conduct. We wmploy four tools: our bilateral diplomatic dialogue on democracy and human rights, programmatic and technical assistance, close coordination and joint efforts with international partners both on messages to the GOAJ and technical assistance, and public pressure. Media freedom is a top priority in our bilateral dialogue on democracy led by DRL A/S Lowenkron and Foreign Minister Mammadyarov. The Ambassador and senior USG visitors raise this issue regularly with the President, Chief of Staff Mehdiyev, Presidential Advisor Ali Hasanov, and others. We also coordinate closely with our international partners. In addition to the general points on the need to

protect media freedom, we and the international community urge the GOAJ to decriminalize defamation and libel, establish an alternate dispute mechanism for such cases, investigate and prosecute crimes against journalists (REF G), release imprisoned journalists, and initiate a dialogue with the media.

¶11. (SBU) Our appeals to have defamation and libel decriminalized have been rejected thus far. The President, Mehdiyev, and Hasanov have all argued that Azerbaijan's media is unprofessional and partisan, writing attack jobs for money and launching personal, unsubstantiated attacks on the character and dignity of the President and senior officials. A common refrain we hear is "Why shouldn't officials have the right to defend their honor?" They note that the President had called for a moratorium on such lawsuits in 2005, but when the media had failed to fulfill their responsibility to refrain from such personal attacks, lawsuits resumed. Mehdiyev and Hasanov also argue that several European countries continue to carry defamation and libel in their criminal codes and ask, "Why should Azerbaijan be held to a different standard?"

¶12. (SBU) In sum, many officials consider decriminalization premature until the media becomes more professional and responsible. We have had more traction with our argument that even the European countries which have criminal libel on the books do not use the criminal provisions and our suggestion that some alternative dispute mechanism should be found. The Azerbaijan Press Council, which was created 4 years ago and includes all of the major newspapers, is the obvious candidate for such a mechanism, but it has lost influence in recent years and is routinely ignored by both the media and litigating officials. Key independent journalists now appear to have an interest in reviving and rehabilitating the council with the aim of making it an effective instrument for press development and self-regulation, a development which we support.

An Emerging Dialogue

¶13. (C) We also register our concern with each incidence of violence and each court decision against journalists. We and our international colleagues urge the GOAJ to investigate crimes against journalists and to prosecute and punish those responsible. Unfortunately, we have yet to see any of the perpetrators of such attacks brought to justice. This leads us to believe that the police are, at worst, actively protecting the assailants or, at best, negligent in investigating the crimes. We have also used public statements and private meetings to suggest that the imprisoned journalists be set free. Over the last few weeks Presidential Advisor for Political and Social Affairs Ali Hasanov indicated that the GOAJ is considering pardoning some or all of the seven journalists currently in prison for charges related to their work, although Presidential Chief of

BAKU 00000926 004 OF 005

Staff Mehdiyev reminded everyone that this is a prerogative that only the President can exercise.

¶14. (C) Our calls for a dialogue between the government and the media appear to have yielded some results. Ali Hasanov participated in a constructive roundtable to discuss media issues hosted by the pro-government Yeni Azerbaijan Party in early July. A subsequent roundtable sponsored by the media attracted only Hasanov's advisor and was less constructive. At the same time, Ramiz Mehdiyev promised the Ambassador and a group of international representatives and other foreign ambassadors who primed him to address media issues that he and his staff were prepared to have a dialogue with the international community on this key issue (REF H). In a follow up meeting, Ali Hasanov engaged in a constructive fashion with the same group and welcomed suggestions as to what the GOAJ could do to improve the situation. On behalf

of the group, the OSCE Ambassador sent a letter on behalf of the international group with a number of specific suggestions (including release of key journalists and a government condemnation of liable suits), while also committing the international community to assist with efforts to raise professional journalistic standards in Azerbaijan.

The Way Forward

¶15. (C) Raising professional and ethical standards of the media is a critical and key focus of our bilateral and, increasingly, the international community's efforts. Azerbaijani journalists rarely use multiple sources, frequently mix facts with opinion, often report unsubstantiated rumors, and generally view their work through a partisan prism. Although this lack of professionalism is not limited to the pro-opposition press, it provides the GOAJ with a ready excuse for failing to take appropriate measures to secure media freedom, discourage libel suits, and even prosecute attacks on journalists. The USAID-funded media development program implemented by IREX is the primary tool that we are using to address this shortcoming, in addition to DRL funded programs.

¶16. (SBU) In addition, we are using a range of public diplomacy programs) including Public Diplomacy and Democracy Commission small grants, Fulbright journalism scholars, journalism speakers, journalism International Visitor programs, and translation of media handbooks) to fill the gaps and continuously work to instill higher ethical and professional standards. A major DRL-funded grant to the International Center for Journalists will bring over a few international experts to work with the newly-established American-Azerbaijan Journalism Academy to help train new and experienced journalists over the next year, while also seeking to bolster the sustainability of the new Academy. Another pending DRL grant to the Elmar Huseynov Foundation will also be a powerful symbol of U.S. support to independent media and the tradition of investigative journalism here in Azerbaijan.

¶17. (SBU) In the process of planning for the 2008 presidential elections, the Embassy has been discussing with the Department the possibility of larger-scale media freedom projects, including the financing of an independent printing press and the expansion of Voice of America and Radio Liberty broadcasts to include more television. To have an impact over the long-term, the international community will need to be looking at more ambitious projects to improve the capacity of journalists and also actively finance alternative, non-government controlled media sources.

¶18. (SBU) Although our advocacy on behalf of the relatively small print media is justified both in principle and in practice, the fact remains that most Azerbaijanis continue to get their news from the broadcast media. Hence, when ANS TV was shut down and Radio Liberty and Voice of America broadcasts were suspended last year, this Embassy and the Department responded quickly and strongly. Having helped to restore those broadcasts, our current priority on broadcast media is to seek improvements in the licensing and regulatory procedures to create more opportunities for additional independent television and radio stations to emerge, an approach that also complements ongoing Council of Europe efforts. As the country develops and internet penetration increases, we are also encouraging the traditional media to make full use of the internet as an important, and still largely-free space, for their activities. We provided

BAKU 00000926 005 OF 005

start-up funds for a few of the country's first political bloggers (including prominent political analyst and former parliamentary candidates, Ilgar Mammedov, <http://ilgarmammedov.livejournal.com>) and plan a more extensive program in the coming year to encourage the use of

the internet. We also protested the GOAJ,s blocking of a website (<http://www.susmayaq.biz>) that was established to protest the price hikes last January. As with the other forms of media, we will use all of the tools available to use to maintain the internet as an open and free space for media and freedom of expression.

Comment

¶19. (C) We believe that the GOAJ is seeking to marginalize and pressure the opposition/independent media in Azerbaijan. This is not because the media represents a serious political threat to the regime, but more because many in the GOAJ fail to fully grasp the key role of the press as an institution and see no need to protect the annoying journalists and newspapers that make a living criticizing senior officials. As a result, senior officials and other powerful figures are free to open defamation court cases, manufacture grounds to close down media outlets, and are the likely source of attacks against individual journalists, with impunity. The growing chorus of criticism of the GOAJ,s record on media freedom may soon lead to some steps to address the most egregious concerns (perhaps some pardons, a presidential proclamation), but these measures are unlikely to alter the basic situation outlined above in the short-term. Improving the media climate in Azerbaijan will require significant, consistent efforts with the government to create the political and material conditions for a free press to develop, and with journalists to improve professional standards and conduct. The USG and the international community will have to keep up the pressure and continue to provide material and moral support to protect the limited, but valuable freedoms that the pro-opposition and independent media exercise each day. That basic freedom is one of the best long-term guarantors that Azerbaijan will continue to move towards its stated goal of developing as secular, free-market democracy.

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